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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,299	01/19/2001	Hitoshi Ishida	2565-221P	6355

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EXAMINER

BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/764,299

Applicant(s)

ISHIDA ET AL.

Examiner

Barbara N Burgess

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed January 19, 2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6-18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ilg et al. (hereinafter "Ilg", 4,829,297).

As per claims 1 and 16, Ilg discloses a system for sending and receiving serial data comprising:

- A plurality of secondary stations for receiving a refresh request and for sending one of data and response to a primary station (column 1, lines 20-23, column 2, lines 20-23, Figure 1);

- The primary station for sending the refresh request and a polling request asking for sending data, and for retrying one of the polling request and the refresh request within the same determined time in case of failure of receiving one of the data and the response (column 1, lines 17-19, 36-38, column 2, lines 20-22, Figure 1).

As per claims 2 and 17, Ilg discloses:

- The primary station includes a retry number counter for counting one of the polling request retried and the refresh request retried, wherein retrying of one of the polling request and the refresh request is stopped after one of a determined number and determined time has passed (column 5, lines 31-40, column 7, lines 5-8, 50-52, 55-63).

As per claim 3, Ilg discloses:

- The primary station includes a record corresponding to each of the secondary stations, wherein a retry flag is set, when a normal response is failed to receive in each response, wherein the retry flag remains in the record corresponding to each of the secondary stations after stopping retrying of one of the polling request and the refresh request (column 4, lines 1-5, column 7, lines 53-55, 60-62, 68, column 8, lines 1-5, 20-23, column 9, lines 24-28).

As per claims 4 and 18, Ilg discloses:

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- The secondary station responds in a response frame of a compact type by using a flag code which is different from a flag code of the primary station (column 8, lines 7-9).

As per claims 6 and 20, Ilg discloses:

- The primary station stores information on a type for each of the secondary stations, wherein the primary station skips sending the polling request in the determined time for the secondary station having failure to respond within the determined time (column 4, lines 1-5, column 7, lines 53-55, 60-62, 68, column 8, lines 1-5, 20-23, column 9, lines 24-28).

As per claim 7, Ilg discloses:

- The primary station stores information on a type for each of the secondary stations, wherein the primary station ignores data from the secondary station having failure to respond within the determined time (column 4, lines 1-5, column 7, lines 53-55, 60-62, 68, column 8, lines 1-5, 20-23, column 9, lines 24-28)

As per claim 8, Ilg discloses:

- The primary station stores an error state of each of the secondary stations, wherein the primary station sends an initialization request to the secondary station, when the

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secondary station in the error state returns to a normal response state (column 9, lines 14-38).

As per claim 9, Ilg discloses:

- The primary station stores information of a type for each of the secondary stations, wherein the primary station collects information of the secondary station before sending and compares the collected information with the information of the type before sending the initialization request (column 9, lines 14-38).

As per claim 10, Ilg discloses:

- One of the primary station and the secondary station sends a high level signal for a short period after sending a frame (column 5, lines 19-28, 41-49).

As per claim 11, Ilg discloses a system for sending and receiving serial data comprising:

- A primary station for sending a refresh request and a polling request in a specific order without having each secondary station address in determined time (column 1, lines 36-44);
- A plurality of secondary stations for responding to the primary station, following to the specific order (column 1, lines 36-47).

As per claim 12, Ilg discloses:

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- The secondary station has one of a counter and a time monitoring one of a response from another secondary station and time, and makes a response of its own station after one of a respectively set order and time (column 1, lines 36-47).

As per claim 13, Ilg discloses:

- The secondary station has a monitoring responder for responding to the primary station in a determined order after the response time is passed in monitoring (column 5, lines 31-40).

As per claims 14 and 15, Ilg discloses:

- The primary station provides a field for showing that a normal response to the refresh request for the secondary station can be skipped, wherein the secondary station stops a normal refresh response based on the field (column 5, lines 31-40);
- The primary station provides a field for showing that an error report from the secondary station is possible in the refresh response, wherein the secondary station has a monitor for monitoring an error in an own station, wherein the secondary station returns an error response based on the field (column 5, lines 31-40).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ilg et al. (hereinafter "Ilg", 4,829,297) in view of Davis et al. (hereinafter "Davis", 4, 363, 093).

As per claims 5 and 19, Ilg does not explicitly disclose:

- The secondary station returns a busy response, when data for responding for the polling request from the primary station are failed to be prepared, wherein the primary station retries a polling request for the secondary station which has sent the busy response.

However, the use and advantages for the secondary station returning a busy response is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Davis (column 38, lines 32-41).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate returning a busy signal in Ilg's system in order to for the host processor to know that the status of the station is busy and a response cannot be provided.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,192,417

U.S. Patent No. 6,351,769

U.S. Patent No. 6,374,293


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N Burgess whose telephone number is (703) 305-3366. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Ettinene can be reached on (703) 308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Barbara N Burgess
Examiner
Art Unit 2157

February 23, 2003


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100